

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
NORTHERN DIVISION**

NETANYA TRUST, et al.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Case No. 2:06CV00036 ERW
	)	
RUSSELL STEELE, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This matter comes before the Court upon Plaintiffs’ failure to show cause, pursuant to this Court’s August 22, 2006 Order to Show Cause [doc. #34], why this action should not be dismissed for failure to prosecute. Plaintiffs have failed to make such a showing and previously failed to appear for an in-court hearing to hear argument on pending motions [docs. #14, #17, #19, #20, and #28].

Additionally, the Court notes that Plaintiffs have failed to timely respond to (1) Defendants Decker and Steele’s Motion to Dismiss [doc. #14]; (2) Defendants Clark, Osborn, Jones, Schneider, Logston, Burns, Gottman, Lene, Small, Miller, Cuculich, Eitel, Salsbery, and Soush’s Motion to Dismiss [doc. #17]; (3) Defendants Clark, Osborn, Jones, Schneider, Logston, Burns, Gottman, Lene, Small, Miller, Cuculich, Eitel, Salsbery, and Soush’s Motion to Strike [doc. #19]; (4) Defendants Schuckman, Pullium, Layfield, Woolverton, Struby, Countrywide Homes Loans, and Wells Fargo Bank’s Motion for Sanctions [doc. #20]; and (5) Defendants Schuckman, Pullium, Layfield, Woolverton, Struby, Countrywide Homes Loans, and Wells Fargo Bank’s Supplemental Motion for Sanctions [doc. #28].

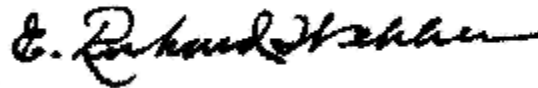
Pursuant to Rule 41(b), a case may be dismissed “[f]or failure of the plaintiff to prosecute or to comply with [the Federal Rules of Civil Procedure] or any order of court.” Fed. R. Civ. P. 41(b). Importantly, because dismissal with prejudice is an extreme sanction, it should be used only in cases

of wilful disobedience of a court order or in cases of persistent failures to prosecute a complaint, and “the sanction imposed by the district court must be proportionate to the litigant’s transgression.” *Rodgers v. The Univ. of Missouri*, 135 F.3d 1216, 1219 (8th Cir. 1998). Moreover, “the district court need not [find] that [the litigant] acted in bad faith, only that he acted intentionally as opposed to accidentally or involuntarily.” *Id.* Plaintiff has failed to prosecute this case by failing to comply with this Court’s Orders and file coherent responses, based upon the law, to pending motions. For all of these reasons, Plaintiffs’ Complaint will be dismissed.

**IT IS HEREBY ORDERED** that Plaintiffs’ Complaint against all Defendants for failure to prosecute and failure to comply with Court Orders is **DISMISSED, with prejudice**. All pending Motions in this matter are denied, as moot.

**IT IS FURTHER ORDERED** that any named Defendant filing any request for relief must do so no later than **September 27, 2006**.

Dated this 14th day of September, 2006.



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E. RICHARD WEBBER  
UNITED STATES DISTRICT JUDGE